

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare Department – Appeal petitions filed by Sri Regu Maheswara Rao, Advocate/ST Employees Legal Advisor, Vizianagaram District and others against the Proceedings, dt.09.05.2021 of the Collector & District Magistrate, West Godavari District in confirming the Community of Smt Pamula Pushpa Sreevani, D/o. Pamula Narayana Murthy as ST 'Konda Dora' – Appeal filed under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.6.

Dated.02.02.2022
Read the following:-

1. Proceedings of the Dist. Collector, West Godavari, RC.No.C2/e-1739206/2019, Dt.09.05.2021.
2. Appeal Petition filed by Sri Regu Maheswara Rao, Advocate/ Legal Advisor for ST Employees and others, dated 07.06.2021.
3. Appeal Petition filed by Sri Tiruveedula Venkata Siva Ram, President of Integrated Tribal(E&R) Development Society, Vizianagaram District, dated 30.07.2021.
4. Appeal Petition filed by Smt. Nagalla Satyavathi, Secretary of Integrated Tribal (E&R) Development Society, Vizianagaram District, dated 29.07.2021.
5. Appeal Petition filed by Sri Nimmaka Simhachalam, President of Andhra Pradesh Scheduled area Adivasi Sangam, Vizianagaram District, dated 30.07.2021.
6. The WP.No.18508 of 2021 filed by Sri Nimmaka Simhachalam, President, A.P. Scheduled Area Adivasi Sangam, Vizianagaram District.
7. The WP.No.19641 of 2021 filed by Sri Regu Maheswara Rao, Advocate/ Legal Advisor for ST Employees, Vizianagaram District.
8. The WP.No.21554 of 2021 filed by Sri T. Venkata Siva Ram, President, Integrated Tribal(E&R) Development Society, Kurukutti (V), Saluru (M), Vizianagaram District.
9. G.O.Rt.No.392, T.W.(CV.2) Dept., dt.02.12.2021.
10. Govt. Memo No.1494293/CV.2/2021, dt.09.12.2021.

ORDER:

The Collector & District Magistrate, West Godavari District in the reference 1st read above, has issued proceedings confirming the Community of Smt Pamula Pushpa Sreevani, D/o. Pamula Narayana Murthy as ST 'Konda Dora' based on the following findings and conclusion made by the District Level Scrutiny Committee (DLSC):-

1. Smt Pamula Pushpa Sreevani in the form of Affidavit has stated that by the date of her birth, her grandparents and great grandparents all expired as such she do not have any documentary evidence like photos etc. of them and her father used to tell them that their ancestors followed the customs of "Konda Dora" and are permanent residents of TD Parapuram, Palakonda Mandal, Srikakulam District.
2. The main occupation of the ancestors of Pamula Pushpa Sreevani is agriculture and they used to celebrate "Pillipandaga" as important festival and celebrate for three days and sacrifices animals to Goddess and stated that they are Hindus and worship the Pandavas and main deity is Talupulamma and also worship Mutyalamma and they are non-vegetarians in which they eat mutton and pork and their ancestors used to consume country liquor during the marriages.
3. Further, her grandfather Pamula Seetharamadasu, S/o. Ramannadora blessed with four sons and one daughter through his second wife by name Venkatalakshmi and they are permanent residents of T.D Parapuram Village, Palakonda Mandal, Srikakulam Districts and all are ST "Konda Dora" Community.
4. Sri Narayana Murthy S/o Seetharama Dasu (Father of Pamula Pushpa Sreevani) was recognized as ST "Konda Dora" during his study and Narayana Murthy joined as Head Mazdoor in ITDA Engineering Division at Buttaigudem under ST Quota in the year 1977 and promoted as Teacher in view of the promotions offered to ST Community in the limits of ITDA, KR Puram, who passed 10th Class and joined in the School at Regulapadu in the year 1990 and since then worked in the same position in and around area in the Tribal Welfare Residential Schools and retired on 30th June, 2011 residing permanently at Doramamidi Village, Buttaigudem Mandal and that as seen from the above that her father and grandfather and great grandfather and the siblings all are recognized as ST "Konda Dora" as such all her ancestors are belongs to ST "Konda Dora".

[Contd..on P.2]

5. Sri Pamula Narayana Murthy(Father of Pamula Pushpa Sreevani) married Gowri Parvathi, D/o Ereti Suryanarayana, ST Konda Dora of Indukuru Village of East Godavari District and blessed with 3 daughters and one son.
 6. The siblings of Pamula Pushpa Sreevani married to the persons belongs to ST "Konda Dora" Community and from they brought up as ST "Konda Dora" and the tribal society accepted and lived in the agency area in the tribal community and studied along with tribal community people and all the authenticated documents establishes that she belong to ST "Konda Dora" in all the records starting from her birth.
 7. The DLSC verified the admission register from Elementary School, TD Parapuram, Palakonda Mandal, Srikakulam District in which the name of Narayana Murthy reflects and the same was received by way of extract of the admission register duly certified by the concerned authority and on through perusal of the entire recitals in the admission register, it is found that prior to admission of Narayana Murthy into the School, his elder brother Sri Ramakrishna Paramahansa was admitted in the same School vide Admission Number.34, dt.30-06-1956, and his caste was recorded as Hindu "Konda Dora" which clearly shows that his elder brother belongs to "Konda Dora" ST community and the same is not challenged and till the date he belongs to "Konda Dora" as such it can be safely presumed that the said person Pamula Narayana Murthy who is the father of Smt. Pushpa Sreevani Pamula is also belongs to "Konda Dora" ST Community, as his biological brother Ramakrishna Paramahansa undoubtedly belongs to "Konda Dora" ST community as per the School record.
 8. The DLSC enquired with the Revenue Authorities from Palakonda and the RDO, Palakonda forwarded the enquiry report in which it is mentioned that Sri Pamula Narayana Murthy belongs to "Konda Dora" community (ST) who is no other than the father of the Smt Pushpa Sreevani Pamula and on that it is concluded that the said person Smt Pushpa Sreevani Pamula belongs to "Konda Dora" ST Community.
 9. The DLSC verified the documentary evidences submitted by Smt Pushpa Sreevani Pamula and identified that the community of the blood relatives of Pamula Narayana Murthy and his siblings are belongs to "Konda Dora" ST Community. Hence, the District Level Scrutiny Committee unanimously finalized and concluded that the Community claim of Smt Pushpa Sreevani Pamula is genuine and she belongs to "Konda Dora" ST Community.
2. Sri Regu Maheswara Rao, Advocate/ST Employees Legal Advisor, Vizianagaram District and others have filed appeal petitions vide references 2nd to 5th read above, before the Government to stay the operation of the Proceedings, dt.09.05.2021 of the Collector & District Magistrate, West Godavari District in which the Collector has confirmed the Community of Smt Pamula Pushpa Sreevani, D/o. Pamula Narayana Murthy as ST 'Konda Dora'.
3. Further in the reference 6th & 8th read above, Sri Nimmaka Simhachalam, President, A.P. Scheduled Area Adivasi Sangham, Vizianagaram District and Sri T. Venkata Siva Ram, President, Integrated Tribal (E&R) Development Society, Vizianagaram District have filed WP No.18508/2021 and WP No.21554/2021 respectively for not initiating proceedings on their appeal petitions and prayed to direct the Government to dispose off their appeals within a time.
4. In the reference 7th read above, Sri Regu Maheswara Rao, Advocate and Sri Tadangi Rama Rao, District General Secretary, Akhila Bharatha Adivasi Vikas Parishad have also filed WP No.19641/2021 for appointing appellate authority for disposing the appeal petitions filed by petitioners against the Proceedings dt.09.05.2021 of the Collector & District Magistrate, West Godavari District in confirming the ST-Konda Dora Caste Certificate of Smt. Pamula Pushpa Sreevani, Hon'ble Dy CM(TW).
5. The grounds put-forth by the appellants against the Community of Smt Pamula Pushpa Sreevani, D/o. Pamula Narayana Murthy as ST 'Konda Dora' are as follows:
1. The averments of the proceedings in RoC.No.C2/e-1739206/2019, dt.09.05.2021 of the Collector & District Magistrate, West Godavari District does not contains any conclusions on the objections filed by the petitioner/appellant with records questioning the social status of the above unofficial respondent but whereas it contains a brief discussion of the submissions of the claimant/respondent mentioned in the proceedings, and submissions of the petitioner were confined to dustbin without necessary consideration.
 2. The Proceedings dt.09.05.2021 of the District Collector does not contain any kind of scrutiny and examination by the District Collector about the origin and migration issue of the unofficial respondent, which is also highly necessary to determine and decide the social status and scheduled Area status of the Respondent in terms of the instructions of the Government of India and Judgment of Hon'ble Supreme Court.

3. Without supplying relevant copies to the petitioner, how could the Proceedings and the determination of the social status of the claimant on the basis of tampering records and reports. The Collector ought to have refused to consider the said such creative and fabricated documents and Reports.
 4. The District Collector in proceedings RoC.No.C2/e1739206/2019, dt.09.05.2021 without any specific reasons for non consideration of the records and objections filed by them. The District Collector arrived to an erroneous conclusion with mollified intention by acting unilaterally, without application of mind and without recording his objections on the records filed by petitioners/appellants. Therefore, the said improper and biased action of the District Collector is opposed to the Principles of natural Justice and it shall be presumed that the Collector accommodated the claimant unlawful in a mechanical manner.
 5. The further erroneous conclusion of the District Collector in the Page.5 of the DLSC Report that the aspects are to be examined by an expert body i.e. TCR & TRI or refer to SFL is also runs contrivers to the Rule 9.
 6. Considering the validity of the S.T. Certificate of the claimant/respondent is opposed to Government Circular Memo No.12531/J2/97-1, dt.23.07.1997, in which it is reiterated that those certificates were obtained by playing fraud and misrepresentation are invalid. The conclusion of the Dist. Collector seemed that he is trying to find fault with the Government.
 7. The DLSC based on mere recital of Admission Register from MPP School, Sri (Late) Ramakrishna Paramahamsa, elder brother of Narayana Murthy (Father of Respondent) admitted in the same School vide Admission No.34, dt.30.06.1956 and his caste was seen as Hindu Konda Dora and as he is biological brother to Respondent's father, committee presumed and decided without information and without serving the copy to the Petitioner with broad imagination that all are definitely Konda Dora but this view is superficial when "Konda", Kondakulam "Hindu Konda" were clearly recorded in sale deed dated 29.02.1956, Respondent father's (Sri P. Narayana Murthy) School Admission Register during 1960 (From 1st to 3rd class) and even her younger uncles Vivekananda School Admission Register, dated 17.06.1964.
 8. When all submitted evidences of prefix and suffixed support, the reality of "Konda Caste", there is apprehension of tampering of School Records of Ramakrishna Paramahamsa conveniently at later date as "Hindu Konda Dora". It is pity that an iota of in-depth study was not focused by the Scrutiny Committee in the pivotal matter before arriving deciding conclusion. Extract of School Admission Register received by DLSC needs verification through the Experts Committee to find out its genuineness and must be referred to FSL.
 9. The Chairman, DLSC/PO, ITDA, K.R. Puram and Members of the DLSC have called for that the School Admission and Study Certificates/Particulars of Late Pamula Ramakrishna Paramahamsa (elder brother of Pamula Narayana Murthy) without mentioning about his study in the Affidavit by the Respondent Smt.Pamula Pushpa Sreevani and without request of the Petitioner Sri Regu Maheswara Rao.
 10. There is a doubt and suspicion that the Chairman, DLSC/PO, ITDA, K.R.Puram and Members of the DLSC shown much interest on Late Pamula Ramakrishna Paramahamsa, but not on Sri Pamula Narayana Murthy and Sri Pamula Vivekananda. The DLSC has not taken in to consideration that the extract of Admission Register, M.P.P. School, T.D. Parapuram, Palakonda (Mandal), Srikakulam District submitted to the DLSC by the Petitioner Sri Regu Maheswara Rao, wherein the Caste of Sri Pamula Narayana Murthy (Father of Respondent Smt Pamula Pushpa Srivani) was recorded as Hindu Konda during his 1st to 3rd Class study vide Admission No.55, dt.20.06.1960 and Sri Pamula Vivekananda vide Admission No.12, dt.17.06.1964 in MPP School, T.D. Parapuram. Besides, the DLSC wanted intentionally to show him (Sri Pamula Narayana Murthy) as he studied from 1st Class to 3rd Class at the School of Yagarlapalli Road, Tadepalli Gudem, West Godavari District, as furnished in the Affidavit by the Respondent Smt Pamula Pushpa Sreevani without deep and detailed enquiry, which is the one side enquiry and fully biased.
6. Government after careful examination of the matter, have appointed the Hon'ble Minister for Social Welfare to act as Appellate Authority to hear appeal petitions as per provisions of Section 7(2) of the Andhra Pradesh (Scheduled Caste, Scheduled Tribe and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993) vide reference 9th read above. Further, the Appellate Authority has posted the case for hearing on 16.12.2021 and informed the same to the Appellant and the Counsel vide reference 10th read above. Accordingly, the Collector & District Magistrate, West Godavari District has been requested to

attend the said hearing with all documentary evidences, in support of the claim. The appellant and their counsel have attended the hearing i.e., on 16.12.2021 and have filed written arguments. On perusal of the Written arguments, records/ the copies of evidences/ academic record/ grounds filed by the Appellant and the Proceedings of the Collector & District Magistrate, West Godavari District, dated 09.05.2021 and further documents submitted by the Collector, West Godavari District, the Appellate authority has observed/opined that;

1. On perusal of the records in the file it is noticed that the DLSC by summoning obtained entire school record to ascertain the social status of the father of the respondent and noticed that the way back in the year 1950s, the status of the biological elder brother of the father of the respondent was noted as "Konda Dora" in the School record.
2. On verification of the documents and the grounds of appeal and remarks as well as the other documents and material available on record, it is noticed that except the contention that she does not belong to ST, nothing was placed for appreciation of the case by the claimants and they failed to produce any further evidence other than that produced to the DLSC and subsequently failed to prove that the respondent does not belong to ST community. However, it appears that the lower authority considered all the documents produced by the claimants and came to a conclusion that the respondent belongs to ST Community.
3. As per the Act, the burden of proof lies with the claimants and it is the responsibility of the claimants to produce necessary evidence and documents in favour of their claim. As seen from the record, the lower authority passed the order after reasonably appreciating the evidence available on record as per law, which deserve no interference. Hence, it is apparent that the appeals are devoid of any merits and there is no infirmity either in the findings of the DLSC or the District Collector.
4. Taking into consideration of the above facts and the material available on record, it can be concluded that the lower authority passed the order as per law which deserves no interference and accordingly the Proceedings of the lower authority are hereby upheld and the appeal petition is hereby dismissed.

7. Government, after careful examination of the appeal petitions filed by the Appellants and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the proceedings dt.09.05.2021 of the Collector & District Magistrate, West Godavari District, does not deserve any interference. Hence, the Proceedings dt.09.05.2021 of the Collector & District Magistrate, West Godavari District is hereby upheld duly dismissing the appeal petitions filed by Sri Regu Maheswara Rao, Advocate/ST Employees legal Advisor, Vizianagaram District and others.

8. The Collector & District Magistrate, West Godavari District is directed to take necessary consequential action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To

The Collector & District Magistrate, West Godavari District.

Copy to:

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Sri Tadangi Rama Rao, S/o Seetham Naidu,
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Sri Tiruvedhi Venkata Siva Ram, S/o.Krishna Venu,
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Smt. Nagalla Satyavathi,
Secretary, Integrated Tribal (E&R) Development Society,
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Sri Nimmaka Simhachalam, S/o.Late Balayya,
President, AP Scheduled Area Adivasi Sangam,
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The PS to Secretary to Hon'ble CM.

The Executive Assistant to Chief Secretary.

The OSD to Hon'ble Deputy CM(TW).

The OSD to Hon'ble M(SW)

The PS to Secretary(TW).

Sc/Sf (E 1494293).

// FORWARDED:: BY ORDER //


SECTION OFFICER

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